

**WATER AND SCIENCE ADMINISTRATION
TIDAL WETLANDS DIVISION**

Wetland Report and Recommendation

State Wetlands Case No:

21-WL-1544

Applicant: Anne Arundel County Dept of Public Works 2662 Riva Road Annapolis, Maryland 21401 Melissa Harlinski pwharl45@aacounty.org	Agent: BayLand Consultants & Designers, Inc 7455 New Ridge Road, Ste T Hanover, Maryland 21076 Chris Rager crager@baylandinc.com
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Date Application Received: December 08, 2021 **Public Notice Required?** Yes

Comment Period Closing Date: May 01, 2022

Maryland Coordinates: 158685 x 446984

Location of Proposed Work: Hunter's Harbor off of Sillery Bay Road and Waterfront Road, Pasadena, Anne Arundel County, Maryland 21122

Purpose of Proposed Work: To improve navigable access.

Description of Authorized Work:

1. To mechanically maintenance dredge an 846-foot long by 15 to 40-foot wide main channel to a depth of 6 feet at mean low water, and mechanically dredge a new 142-foot long by 40-foot wide new section of the main channel to a depth of 6 feet at mean low water.
2. To periodically maintenance dredge for 6 years.
3. Deposit approximately 4,260 cubic yards of dredged material will be transported to one of the four following upland disposal sites: Rock Creek Dredge Material Placement (DMP) Site at Water Oak Point Road, Pasadena, MD 21122, Idlewilde DMP Site at Idlewilde Road, Shady Side, MD 20764, South County DMP Site at Sudley Road, West River, MD 20778, or Cox Creek DMCF on Kembo Road, Curtis Bay, MD 21226.

Waterbody: Hunters Harbor

Requires Water Quality Certification?: No, the WQC has been issued for the Maryland State Programmatic General Permit.

Qualifies for Maryland State Programmatic General Permit?: Yes, Category B and will be issued by the United States Army Corps of Engineers directly to the applicant.

Area of Vegetated Wetland Impacts Requiring Mitigation: 0 s.f.

Area of Open Water Tidal Wetlands Requiring Mitigation: 0 s.f.

Area of Wetlands Created: 0 s.f.

Was the Applicant's Original Project Modified?: No

Department Comment:

As required by § 5-204 (b) of the Environment Article, the Department drafted and issued a public notice by posting the public notice on its WEB site from April 1, 2022 to May 1, 2022 and publishing the public notice for the proposed project in The Capital on April 6, 2022. In addition, the public notice was provided to adjacent property owners listed on Attachment A.

The Department received public comments and a request for a public informational hearing from John and Diane McGahagan. The hearing was jointly held for this project and the application submitted for Sillery Bay Hunters Harbor Civic and Recreation Association's associated spur channel (21-WL-1552). The hearing was announced in The Capital on July 8, 2022 and posted on the Department's WEB site on July 1, 2022. The hearing was held on Monday, July 25, 2022 at the Mountain Road Library. All previous commenters were also notified by the Department via letter or email. The subsequent list of attendees and interested parties are listed in Attachment B. The Public Hearing is summarized in Attachment C. The hearing was recorded by not transcribed. Participants were notified that comments were due by 5:00 pm on Monday, August 8, 2023.

Questions and comments were received by members of the public who were in support and in opposition of the proposed projects. Comments do not differentiate whether they are associated with the work proposed for the main channel or associated spur channel. Therefore, all comments for both applications have been included below. Comments were received during the public notice period, at the hearing, and during the comment period after the hearing.

Comment in Support

Multiple attendees of the hearing provided comments in support of the proposed project and associated spur channel. These comments focused on issues associated with the loss of water depth, the improvement of water quality, and the continuation of recreational boating access. According to these attendees, the marina has become shallower due to the deposition of sediment from upland sources, including the creek, a stormwater outfall, and the flow of stormwater over the uplands. In association with the loss of water depth, the bottom substrate of the marina is kicked up by boat propellers, which increases the risk of damage to the running gear of some boats. A member of the public also stated that the maintenance dredging will improve water quality by promoting the flow of water within the marina basin. Improved water clarity due to the dredging and reduced propeller kickup will promote the growth of nearby SAV and shellfish. It was also stated during the hearing that maintenance dredging of the basin will allow for continued recreational boating access, allow for marina traffic to continue to use the launching area to access open water, and that the marina adds value to the homes within the community.

Comments in Opposition

During the public notice and public informational hearing comments were received from members of the public. The below comments and questions were submitted to MDE during the public notice and/or public informational hearing. Responses by MDE or the Agent to these comments follow.

- Requested copies of 1) the application submissions from the County and the associated spur channel, and historic Licenses associated with the proposed projects, 2) the approved site plan from the 1970s when the marina's zoning was changed from residential to MA-2, and 3) all studies related to the dredging project and impact to adjacent property owners.
 - MDE provided copies of the submissions for both applications, and provided copies of any historic Licenses in MDE's records that are associated with the main channel and the marina.

- MDE informed the requester that historic zoning changes are outside of the scope of MDE's review, and all questions associated with zoning should be directed to Anne Arundel County's Department of Planning and Zoning.
- MDE requested copies of any associated studies from the Agent. According to the Agent there have been no studies specifically related to this project's impact on neighboring properties. Additionally, no additional studies were conducted outside of the project being maintenance dredging that was previously done in 1975, 1995, and 2001.
- Stated that the site was originally a silt pond that was dredged without permission and was significantly shallower than the proposed – 6 ft MLW that is currently proposed.
 - Based on the 1972 Tidal Wetlands Map, the marina basin existed prior to the Tidal Wetlands Act of 1970. Therefore, the dredging of the basin was not an activity regulated by the State of Maryland at the time of the marina basin's creation. At the time of its creation, the activity would have been regulated by the U.S. Army Corps of Engineers. The commenter has been provided with this information. Since 1972, the basin has been dredged at least two other times in Wetlands Licenses 95-1352 and 01-1073 to the same proposed depth.
- Concerned about subsidence of their property along the eastern side of the basin after the main channel and marina are dredged to -6 ft. The commenters own adjacent lots along the eastern side of the marina that is bulkheaded. They stated that they have significant subsidence in the corner of their lot that is closest to the marina's boat ramp. They provided copies of topographic maps showing the changes to elevation of the property from 2010 to 2017 and photographs showing water saturated areas of their property.
 - MDE asked the agent if dredging the marina will cause subsidence of the adjacent uplands and to explain how the project will or will not impact the properties to the east of the marina. According to the Agent, "this area has been dredged historically and a bulkhead was in place during each of those dredge events. The proposal for dredging included a 5 ft buffer of no dredging from the bulkhead to mitigate for potential damage to the bulkhead. This is a recently installed bulkhead (2012) under 11-GL-0374. Those plans indicate a minimum 20' pile depth, 16' T&G sheeting, and the use of dead man piles. This is standard practice and provides no indication there will be issues related to the dredging". Additionally, the Agent stated at the hearing that because the project is maintenance dredging, there is no reason to think that the structural integrity of the bulkhead will be impacted. It would be more of a concern if they were planning to dredge deeper than the previously authorized depth. The bulkhead has deadman anchors with tiebacks, so there is no reason to think that material will fall out.
 - Based on the information provided the Department is unable to confirm that any subsidence of the commenters' property is directly associated with the previous dredging of the marina basin or that any future dredging will impact the property. The section of property that is nearest the boat ramp and of concern appears to be approximately 60 to 85 ft inland from the marina's bulkhead.
- Concerned that an island within the basin was dredged in the mid-1990s and may have contributed to the subsidence of their property. Member of the public requested any studies associated with its removal.
 - MDE requested any studies associated with the dredging License issued in the 1990s. According to the Agent, they do not have copies of any studies related to this dredging project historically. During the public hearing, a member of the community stated that the island was only 6 feet wide at the time of dredging in the mid-1990s.
 - The dredging of the island was authorized in Wetlands License 95-1352 and maintenance dredging of the same area was approved again in Wetlands License 01-1073. MDE's records for these authorizations do not include any additional information regarding the island.

The Maryland Department of Natural Resources (DNR) reviewed the proposed project and determined due to the presence of large SAV beds within 500 yards of the main and spur channels, the Department would ask that no dredging occur from April 15th through October 15th of any given year in order to protect SAV beds from siltation.

The project was screened for potential impacts to resources that would require the Maryland Historical Trust (MHT) to review the project. No impacts to MHT jurisdictional resources were identified, therefore they did not review the project.

The evaluation of this project has taken into account ecological, economic, recreational, developmental, and aesthetic considerations appropriate for this proposal as well as other requirements set forth in the Code of Maryland Regulations. To ensure that impacts to resources are avoided and minimized to the maximum extent possible and to ensure that all work is performed in accordance with critical area and local regulations, the Department has recommended a number of special conditions. Provided all general and special conditions are adhered to, the work proposed will not cause significant deleterious impacts to marsh vegetation, submerged aquatic vegetation, finfish, shellfish, or navigation.

Project Justification: In consideration of the site characteristics and the nature of the proposed work, the Department concludes that the application represents a reasonable exercise of riparian rights.

Anne Arundel County's Department of Public Works (DPW) has applied to dredge a 988-foot long channel that extends from the boat ramp at the Sillery Bay Hunters Harbor Civic and Recreation Association's marina to the Magothy River at the entrance of the marina. The majority of the channel will be maintenance dredging within the footprint previously authorized footprint and to the same depth as approved in Wetlands Licenses 95-1352 and 01-1073. The Applicant has proposed a new 142-foot long section of channel in the Magothy River so the channel can match the natural contours of -6.0 ft. The proposed maintenance dredging will impact approximately 14,365 square feet of SAV. SAV will not be impacted by the new section of dredging. Based on MDE's review of the historic Licenses, it does not appear that SAV was previously present in the project's footprint. **Because the project is either maintenance dredging or new dredging that will not occur in shallow water habitat or SAV, MDE does not recommend mitigation for the proposed project.** .

The Applicant will be disposing of the material at one of three different County disposal sites. MDE received an acceptance letter from Anne Arundel County's Bureau of Engineering stating the primary disposal site will be at the County's Rock Creek DMP site in Pasadena. This letter also stated that alternative disposal sites are located at two other County DMP sites. The alternatives are the Idelwilde DMP Site in Shady Side and the South County DMP Site in West River. All three sites will accept the material and have the capacity for this material. The Applicant has also received a letter of Acceptance from MDOT to dispose of material at the at the Cox Creek Dredged Material Containment Facility (DMCF).

Although comments were received from members of the public regarding potential impacts to their adjacent, inland property, MDE recommends approval of the proposed main channel. MDE recommends approval because the majority of the project is maintenance dredging to a previously authorized depth and the County's channel will not be directly adjacent to the bulkhead surrounding the marina. Unlike the associated spur channel, the County's main channel will not be located directly up against the bulkhead that is near the inland properties of concern. As shown on the plans, the County channel extends from the marina boat ramp to the entrance of the basin and into the Magothy River. Additionally, MDE has been unable to confirm from the information provided if subsidence of the commenters' property is directly associated with historic dredging or if future dredge will impact their inland property. MDE also used available aerial imagery to review the historic functionality of the bulkhead along this section of the basin. Using this imagery there does not appear to have been a failure of the bulkhead or a mass loss of material from behind the bulkhead currently or prior to its replacement in 2012. A mass loss or sloughing of material directly behind the

bulkhead could indicate the land is being eroded underneath of the sheeting and material is being pulled out from behind the structure. This type of failure does not appear to have occurred at the site. According to the Agent, “because this is maintenance dredging, there is no reason to think that the structural integrity of the bulkhead to be impacted, it would be more of a concern if they were planning to dredge deeper than previously authorized, and the bulkhead has deadman anchors with tiebacks, so there is no reason to think that material will fall out”. **Based on this information, MDE recommends approval of the proposed project.**

SPECIAL CONDITIONS:

- A. The Maryland Department of the Environment has determined that the proposed activities comply with, and will be conducted in a manner consistent with the State’s Coastal Zone Management Program, as required by Section 307 of the Federal Coastal Zone Management Act of 1972, as amended.
- B. The Licensee shall comply with all Critical Area requirements and obtain all necessary authorizations from local jurisdiction. This License does not constitute authorization for disturbance in the 100-foot Critical Area Buffer. “Disturbance” in the Buffer means clearing, grading, construction activities, or removal of any size of tree or vegetation. Any anticipated Buffer disturbance requires prior written approval, before commencement of land disturbing activity, from local jurisdiction in the form of a Buffer Management Plan.
- C. If the authorized work is not performed by the property owner, all work performed under this Tidal Wetlands License shall be conducted by a marine contractor licensed by the Marine Contractors Licensing Board (MCLB) in accordance with Title 17 of the Environment Article of Annotated Code of Maryland. A list of licensed marine contractors may be obtained by contacting the MCLB at 410-537- 3249, by e-mail at MDE.MCLB@maryland.gov or by accessing the Maryland Department of the Environment, Environmental Boards webpage.
- D. The issuance of this license is not a validation or authorization by the Department for any of the existing structures depicted on the plan sheets on the subject property that is not part of the authorized work description, nor does it relieve the Licensee of the obligation to resolve any existing noncompliant structures and activities within tidal wetlands.
- E. The Licensee shall transport all dredged material in watertight trucks. No dredged material shall be discharged onto the roadways of the State.
- F. The Licensee shall conduct subsequent maintenance dredging within the scope of this license in terms of authorized dredge area and authorized depths. The licensee shall:
 - 1. Dredge no more than 500 cubic yards of material at each maintenance dredging.
 - 2. Comply with all applicable conditions of this license.
 - 3. Submit a detailed dredged material disposal plan to be approved by the Water and Science Administration, Tidal Wetlands Division prior to the start of dredging.
 - 4. Notify and receive approval from the Water and Science Administration, Compliance Program a minimum of 10 days prior to the start of each maintenance dredging operation.
- G. The Licensee shall stake the dredge area and receive approval from the Water and Science Administration’s, Compliance Division prior to the start of dredging.

- H. The Licensee shall conduct a post dredge bathymetric survey and forward to the Water and Science Administration, Tidal Wetlands Division within 45 days after the termination of any phase of dredging.
- I. The Licensee shall dispose of dredged material only at the dredge disposal site(s) approved by this Wetland License. The Licensee shall submit an application for modification of the License to MDE for approval of any dredge disposal site not authorized within this License.
- J. The Licensee shall not perform any in water work from April 15th through October 15th of any year due to submerged aquatic vegetation restrictions.

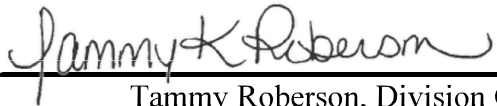
DEPARTMENT OF THE ENVIRONMENT APPROVAL:



Heather Hepburn, Natural Resource Planner
Tidal Wetlands Division

06/09/2023

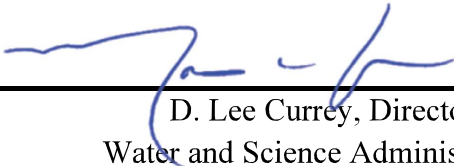
DATE



Tammy Roberson, Division Chief
Tidal Wetlands Division

6/9/2023

DATE



D. Lee Currey, Director
Water and Science Administration

6/15/2023

DATE

WETLANDS ADMINISTRATION CONCURRENCE:

William Morgante, Wetlands Administrator
Board of Public Works

DATE

Attachment A: Adjacent Property Owners Notified in Public Notice Process

HUNTERS HARBOR ADJACENT PROPERTY OWNERS									
NAME	CURRENT PROPERTY OWNER	PROPERTY ADDRESS	CITY	STATE	ZIP CODE	MALING ADDRESS	CITY	STATE	ZIP CODE
DIANE MCGAHAGAN	CURRENT PROPERTY OWNER	230 SILLERY BAY RD	PASADENA	MD	21122	278 SILLERY BAY RD	PASADENA	MD	21122
DIANE & JOHN MCGAHAGAN	CURRENT PROPERTY OWNER	240 SILLERY BAY RD	PASADENA	MD	21122	278 SILLERY BAY RD	PASADENA	MD	21122
WILLIAM POWELL	CURRENT PROPERTY OWNER	286 SILLERY BAY RD	PASADENA	MD	21122	PO BOX 207	SEVERNA PARK	MD	21146
JAMES TURROFF	CURRENT PROPERTY OWNER	284 SILLERY BAY RD	PASADENA	MD	21122	284 SILLERY BAY RD	PASADENA	MD	21122
SILLERY BAY HUNTERS HRBR ASSN INC	CURRENT PROPERTY OWNER	SUN GLOW RD	PASADENA	MD	21123	PO BOX 1149	PASADENA	MD	21123
JEFFREY BATEMAN	CURRENT PROPERTY OWNER	271 MALLARD DR	PASADENA	MD	21122	271 MALLARD DR	PASADENA	MD	21122
NICOLE BACH & NATHAN CONRAD	CURRENT PROPERTY OWNER	267 MALLARD DR	PASADENA	MD	21122	267 MALLARD DR	PASADENA	MD	21122
LISA WINSLOW & STEVEN A JR CLOUD	CURRENT PROPERTY OWNER	263 MALLARD DR	PASADENA	MD	21122	263 MALLARD DR	PASADENA	MD	21122
PATRICIA ARCHIBALD	CURRENT PROPERTY OWNER	259 MALLARD DR	PASADENA	MD	21122	259 MALLARD DR	PASADENA	MD	21122
DORIS WILLIAMS	CURRENT PROPERTY OWNER	256 MALLARD DR	PASADENA	MD	21122	256 MALLARD DR	PASADENA	MD	21122
BARBARA GRAVEBEAL & JOHN C JR	CURRENT PROPERTY OWNER	251 MALLARD DR	PASADENA	MD	21122	3675 JENNINGS CHAPEL RD	WOODBINE	MD	21767
MARIA ATHAS	CURRENT PROPERTY OWNER	247 MALLARD DR	PASADENA	MD	21122	247 MALLARD DR	PASADENA	MD	21122
JOYCE PEDRAHTA & JOSHUA GOODMAN	CURRENT PROPERTY OWNER	243 MALLARD DR	PASADENA	MD	21122	243 MALLARD DR	PASADENA	MD	21122
KELLY & RICHARD J JR SIGETY	CURRENT PROPERTY OWNER	239 MALLARD DR	PASADENA	MD	21122	239 MALLARD DR	PASADENA	MD	21122
DIANNA & MICHAEL JOHNSON	CURRENT PROPERTY OWNER	235 MALLARD DR	PASADENA	MD	21122	235 MALLARD DR	PASADENA	MD	21122
AACO DEPARTMENT OF PUBLIC WORKS	CURRENT PROPERTY OWNER	2662 RIVA ROAD	ANNAPOLIS	MD	21401	2662 RIVA ROAD	ANNAPOLIS	MD	21401
BAYLAND CONSULTANTS & DESIGNERS, INC.	CURRENT PROPERTY OWNER	7465 NEW RIDGE ROAD SUITE T	HANOVER	MD	21076	7465 NEW RIDGE ROAD SUITE T	HANOVER	MD	21076

Attachment B
Public Hearing List of Attendees
21-WL-1544 and 21-WL-1552

NAME	MAILING ADDRESS	EMAIL
Marty Renshaw	1397 Tanyard Lane Pasadena, MD 21122	mwreush@comcast.net
Larry Kramer	212 Sillery Bay Road Pasadena, MD 21122	Larrykramer90@gmail.com
John Nescio	1508 Holly Road Pasadena, MD 21122	Jdnes56@msn.com
Dianna Nescio	1508 Holly Road Pasadena, MD 21122	Jdnes56@msn.com
Tom Price	221 Sillery Bay Road Pasadena, MD 21122	tpricebop@gmail.com
John McGahagan	278 Sillery Bay Road Pasadena, MD 21122	jmcgahagan@aol.com
Stephen Tucker	1528 Friendly Road Pasadena, MD 21122	stephentuck@gmail.com
Brian Kunkoski	1420 Peace Drive Pasadena, MD 21122	briankunkoski@yahoo.com
James Bowerman	1390 Rainbow Drive Pasadena, MD 21122	james@creative-agent.com
Lee Barnett	200 Falcon Drive Pasadena, MD 21122	Barnett436@verizon.net
George Engelke	191 Sillery Bay Road Pasadena, MD 21122	Gawye@aol.com
Gary Bohlman	195 Sillery Road Pasadena, MD 21122	(illegible on sign in sheet)
Gene Palumbo	212 Falcon Drive Pasadena, MD 21122	palumboeugene@aol.com
William Davis	1463 Thies Drive Pasadena, MD 21122	Magothyriver1@gmail.com
Steve Eastman	185 Lowes Way Pasadena, MD 21122	(illegible on sign in sheet)
Jason Tauber	122 Teal Drive Pasadena, MD 21122	Jason.tauber63@gmail.com
Todd Taylor	212 Beach Road Pasadena, MD 21122	Tetaylor64@aol.com
Donna Taylor	212 Beach Road Pasadena, MD 21122	Tetaylor64@aol.com
Warren McKeldin	1427 Amphibian Drive Pasadena, MD	warrenmckeldin@aol.com
Jay Redmond	209 Sillery Bay Pasadena, MD 21122	jredmond@perton.com
Diane McGahagan	278 Sillery Bay Road Pasadena, MD 21122	dmcgahagan@gmail.com
Bill Morgante	Board of Public Works	Bill.morgante@maryland.gov



Public Hearing Report Attachment C

Regarding Tidal Wetlands License Under COMAR 26.24.01.05.H.

Application No.: 21-WL-1544
and
21-WL-1552

Date: July 25, 2022

Applicant: Anne Arundel County
Department of Public
Works
and
Sillery Bay Hunters
Harbor Civic and
Recreation Assoc.

Time: 6:15 PM

MDE Staff Tammy Roberson
Heather Hepburn

Location: Mountain Road Library
4730 Mountain Road
Pasadena, MD 21122

*Advisory: This report and its attachments reflect only the statements, comments, and questions made during the public hearing and following comment period. **This hearing was recorded and this report is based upon personal notes taken by the Hearing Officer and Department Staff during the hearing.** It does not represent any statement of fact by the Department, or a decision to recommend approval or denial of a license to the Board of Public Works.*

1. Hearing Opened: Tammy Roberson, of MDE, serving as Hearing Officer, opens the Hearing at 6:15 PM. Presented overview of hearing purpose, authority and procedures, in accordance with COMAR 26.24.01.05.
2. Elected Officials Present
 - None
3. Opening Presentation by Applicant

Presenter: BayLand Consultants & Designers, Inc., Agent to the Applicants, the Anne Arundel County Department of Public Works (21-WL-1544) and Sillery Bay Hunters Harbor Civic

Association (21-WL-1552). Bayland Consultants & Designers, Inc. was represented by Chris Rager.

- Background information provided about Anne Arundel County's Waterway Improvement Program. Hunter's Harbor was identified by County as previously dredged navigable waterway in need of maintenance dredging. County allows for private citizens to participate in process as spur channels.
- Background information provided about Hunter's Harbor and marina dredging. According to Agent marina was established in 1975, first dredged in 1976, zoned by the County as a marina in 1979. The State of Maryland issued dredging Licenses in 1995 and 2001, which established the location and depth of the proposed maintenance dredging.
 - MDE note: The marina and basin are shown on historic aerial imagery from 1970 and is present on the 1972 Tidal Wetlands map.
- County is planning to dredge in 2023. Main channel and spur channel are considered to be one project, but the County is responsible for the main channel and the Civic Association is responsible for the spur channel/rest of basin. County will most likely continue to take responsibility for main channel. This is a maintenance dredging project that is fairly typical for the County.
- Similar to previous dredging, the proposed dredging footprint will stay 5 feet from the bulkhead to maintain its structural integrity.

4. Questions and Comments

General Questions Regarding the Project:

- Are the applications two separate entities?
 - Yes, same information is being used to inform both applications.
- Is the 6 foot dredging depth right up against the bulkhead?
 - No, there is a 5-foot buffer to allow for material against the bulkhead to create a natural angle of repose. Because this is maintenance dredging, there is no reason to think that the structural integrity of the bulkhead to be impacted. It would be more of a concern if they were planning to dredge deeper than previously authorized. The bulkhead has deadman anchors with tiebacks, so there is no reason to think that material will fall out.
- What about [slumping] of other parts of the marina that don't have a bulkhead?
 - BayLand and the County will continue to be involved in the entire dredging process. If there are concerns during the dredging operation associated with the natural shoreline, then someone from BayLand or the County will be there to ensure that there is no loss of land or subsidence of the bulkhead or something similar.

- How far back into the marina does the channel go?
 - Extent of dredging shown on plans presented during hearing. The dredging will be to historic footprint. Licensees can dredge as much or as little as they want within the approved footprint. Usually, cost is the limiting factor.
- What studies were done for the impacts to adjacent properties?
 - No additional studies were done outside of the project being maintenance dredging. Not proposing to do anything that was not previously done in 1975, 1995, and 2001. As an extra precaution, there is a 5-foot buffer from the bulkhead. In this part of the Country, bulkheads are typically constructed with deadman anchors through pilings that are driven 30 ft into the bottom substrate and the deadman are pulled back into the property. Agent wasn't there when the pilings were installed, but 30 ft deep is usually that depth that a Licensed Marine Contractor would be comfortable with in silty material.
- A plan sheet shows that there was an island to remain, but looks like it was removed in the 1990s.
 - It was part of the dredging application in 1995 and MDE made a decision that it was okay to remove the island.
 - Comment from member of public: At time of dredging in the 1990s, the island was only 6 ft wide above the water.
- Are the bulkhead piles along the channel entrance also 30 ft deep?
 - No. They are most likely 30 ft deep inside of the marina. Along the channel entrance, they may be shallower because the material is sandy. Agent does not know how deep the piles are. Marine contractor would need to be contacted for exact depth. Permit drawings show a sheeting that is 12 feet long. They have allowed for enough room on either side of the channel into the marina for the natural angle of repose (3:1) and still don't reach the bulkhead.
- What's required behind the bulkhead sheeting?
 - According to bulkhead license, there are deadman tiebacks.
 - Comment from member of public: Everything was constructed to County code and inspected by County when installed.
- County previously said that they would be responsible for areas outside of the County channel (near gabion baskets) where storm drains are.
 - There is no record of the County's obligation to maintain and dredge that area.
- Is the proposal the same as the prior plan and to the same depth?
 - Yes, the same.

Project Comments Summary:

Opposition

- Concerned about impacts to adjacent properties: An adjacent property owner stated that they have significant sinkage in the corner of their lot closest to the boat ramp and where the island in the basin used to be located and are concerned about impacts to neighboring properties. The member of the public stated that they are not opposed to the project, but do have concerns associated with their property. Most of their concerns are related to the Sillery Bay Hunters Harbor Civic and Recreation Association's project.

Support

- Marina is becoming shallower because it collects sediment from creek and upland stormwater: Multiple members of the public stated that the marina has become shallower due to decreased water depths due to deposition of sediment from upland sources including the creek, the stormwater outfall, and the flow of stormwater over the uplands. Additionally, the loss of water depths has resulted in the pickup of sediments from boat propellers and increased risk of damage to some boats' running gear.
- Maintenance dredging will improve water quality: A member of the public stated that maintenance dredging will promote the movement of flow of water within the basin, which will improve water clarity. Improved water quality due to the dredging and reduced propeller kick up of sediments will improve water clarity for the growth of submerged aquatic vegetation and shellfish that grow nearby.
- Maintenance dredge will maintain recreational access: Maintenance dredging the marina basin will allow for continued recreational boating access and allow for marina traffic to continue from the launching area to open water. Additionally, the marina adds value to all of the homes within the community.

5. Hearing Closed

- Participants notified that comments were due by 5:00 PM on Monday, August 8, 2022; must be postmarked by that date or sent via email.
- Hearing was adjourned by Tammy Roberson at 6:56 PM.

6. Comments Received after Hearing: Additional comments were received after the hearing. These comments were similar to those received during the public notice period and at the hearing.

Against

- Concern about subsidence of adjacent property: A member of the public expressed concern that the properties adjacent to the eastern side of the Sillery Bay Hunters Harbor Civic and Recreation Association are slumping/subsiding. Aerial photographs,

topographic maps, and contour maps were provided by the member of the public as evidence of subsidence of their property.

- Removal of island in middle of marina basin: Plan sheets from the 1970s submitted with previous public comments shows an island to remain that has since been removed. Concerned that removal of the island may have caused further subsidence of adjacent property. Requests any associated permissions to removal of the island and any studies or analysis for impact to adjacent properties.

Support

- None

7. Other Responses Received After Hearing:

- Subsidence of adjacent properties: This area has been dredged historically and a bulkhead was in place during each of those dredge events. The proposal for dredging included a 5' buffer of no dredging from the bulkhead to mitigate potential damage to the bulkhead. This is a recently installed bulkhead (2012) under 11-GL-0374. Those plans indicate a minimum 20' pile depth, 16' T&G sheeting and the use of dead man piles. This is standard practice and provide no indication there will be issues related to the dredging.
- Assessment associated with removal of island in marina basin: The applicant and their agent are not aware of any studies or other analysis done related to historic dredging.
- Additional studies or assessments associated with impacts to adjacent properties: No additional studies related to this project's impacts on neighboring properties have been conducted.